

Tuesday
July 8, 1980

Food Stamp Report

Highlights

- 46036 **Food Stamp Program** USDA/FNS issues interim final rule limiting eligibility for participation; effective 9-1-80; comments by 9-8-80 (Part IV of this issue)
- 46044 **Energy Assistance Regulations** DOE issues regulation implementing authority to issue Cooperative Agreements as a type of Financial Assistance; effective 10-6-80 (Part V of this issue)
- 45891 **Exports** Commerce/ITA issues interim regulations on processing export license applications; effective 7-1-80; comments by 9-2-80
- 45898 **Exports** Commerce/ITA issues interim rule on licensing procedures for exports of wheat and corn to U.S.S.R. between 10-1-80 and 9-30-81; effective 7-2-80; comments by 9-8-80
- 45911 **Financial Assistance Programs** HHS/SSA clarifies factors used in determining eligibility under Aid to Families with Dependent Children Program; effective 7-8-80
- 45933 **School Lunch** USDA/FNS amends regulations governing cash in lieu of commodities for school year 1980

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information regulations in § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted supporting approval of this application is available for public examination at the office of the Hearing Clerk (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.485 by revising paragraph (a) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) *Approvals.* Premix levels of pyrantel tartrate granted to firms as sponsor(s) and identified by drug labeler codes in § 510.600(c) of this chapter for the specific usage indicated in paragraph (e) of this section:

(1) To 000069: 9.6, 19.2, and 80 grams per pound, paragraph (e) (1) through (3); 48 grams per pound, paragraph (e) (1) through (4).

(2) To 017800: 48 grams per pound, paragraph (e) (1) through (3).

Effective date. This amendment is effective July 8, 1980.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 18, 1980.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 80-20132 Filed 7-7-80; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Pyrantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a new animal drug application (NADA) filed for Henwood Feed Additives, Inc., providing for safe and effective use of 9.6- and 19.2-gram-per-pound pyrantel tartrate premixes for making complete swine feeds.

EFFECTIVE DATE: July 8, 1980.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION:

Henwood Feed Additives, Inc., P.O. Box 577, Lewisburg, OH 45338 is sponsor of NADA 118-874 submitted on its behalf by Pfizer, Inc. The NADA provides for use of premixes containing 9.6 and 19.2 grams of pyrantel tartrate per pound for making complete swine feeds used (1) as an aid in prevention of migration and establishment of large roundworm (*Ascaris suum*) infections, (2) as an aid in prevention of nodular worm (*Oesophagostomum*) infections, and (3) for removal and control of large roundworm (*Ascaris suum*) and nodular worm (*Oesophagostomum*) infections.

Approval of this application relies on safety and effectiveness data contained in Pfizer's approved NADA 43-290. Use of the data in NADA 43-290 to support this application has been authorized by Pfizer. This approval does not change the approved use of the drug. Consequently, approval of this NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy, issued in the Federal Register of December 23, 1977 (42 FR 64367), the approval of this NADA has been treated as would an approval of a Category II supplement and did not require reevaluation of the safety and effectiveness data in NADA 43-290.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(iii) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

In accordance with the provisions of Part 20 (21 CFR Part 20) promulgated under the Freedom of Information Act (5 U.S.C. 552) and the freedom of information regulations in § 514.11(e)(2)(ii) of the animal drug regulations (21 CFR 514.11(e)(2)(ii)), a summary of the safety and effectiveness data and information submitted to support approval of this application is released publicly. The summary is available for public examination at the office of the Hearing Clerk (HFA-305), Rm. 4-62, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and

redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.485 by adding new paragraph (a)(4) to read as follows:

§ 558.485 Pyrantel tartrate.

(a) * * *

(4) To 026186: 9.6 and 19.2 grams per pound, paragraph (e)(1) through (3).

Effective date. This amendment is effective July 8, 1980.

(Sec 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: June 27, 1980.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 80-20133 Filed 7-7-80; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 161

Rights-of-Way Over Indian Lands; Revision to Final Rule

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Bureau proposes to make minor revisions in the regulations concerning the granting of rights-of-way over and across tribal land, individually owned Indian lands, and Government-owned land under the jurisdiction of the Bureau. These regulations were extensively revised in 1968, and there has been no subsequent major legislation affecting rights-of-way over and across Indian lands. Hence these minor revisions are considered necessary to clarify certain policies and procedures governing the granting of rights-of-way.

EFFECTIVE DATE: August 7, 1980.

FOR FURTHER INFORMATION CONTACT: Richard S. McDermott, Director, Palm Springs Area Field Office, Bureau of Indian Affairs, P.O. Box 2245, Palm Springs, California 92263, telephone (714) 325-2086.

SUPPLEMENTARY INFORMATION: The primary author of this document is Richard S. McDermott, whose address appears above. The updating and necessary revision of Title 25, Code of Federal Regulations is one of ten major management improvement projects undertaken by the Bureau of Indian Affairs which is nearing fruition. The author is the chairman of a sub-task force appointed by the Commissioner of Indian Affairs in 1976 to recommend revisions of Part 161, Rights-of-way. The

sub-task force consisted of Bell C. Haney, Anadardo, Oklahoma, Area Office; Joseph P. Donahue, Juneau, Alaska, Area Office; Marcus J. Sekayouma, Phoenix, Arizona, Area Office; and Hubert C. McCloskey, Rosebud Agency, Rosebud, South Dakota. Since appointment, the sub-task force has met several times both before and after publication in the Federal Register on July 7, 1978 (43 FR 29317), of the proposed revision to Part 161.

The revision proposed that § 161.3(c) be revised to include "service line agreements" within the granting authority of the Secretary without consent in special circumstances. There was so little support expressed for this proposal in the written comments received and in the panel discussions at the Conference of Real Property Managers of the Bureau of Indian Affairs held in Denver, Colorado, from October 30 to November 3, 1978, that the sub-task force elected to withdraw the proposed revision and not include it in the Final Rule.

It was the consensus that the matter of a service line agreement is adequately covered in 25 CFR Part 161.22 in its present form. The sub-task force members hasten to emphasize, however, that if the proposed service line traverses intervening Indian land of different ownership, then all the applicable provisions of 25 CFR Part 161 are called into play.

The provisions of 25 CFR Part 161.5 cover the procedure to be followed in applying for a right-of-way. The proposed revision provides that the application must specify the specific use which will be the subject of the right-of-way granted. The right-of-way granted will then be limited to the specific use. The purpose of this revision is to halt the practice of multiple uses of a right-of-way area under a prior grant of easement that did not specifically limit the scope of the right-of-way. The prior practice has led to additional uses in accordance with state law but without agency approval or payment of compensation for a subsequent compatible use of the right-of-way area. The oral and written comments received were substantially in accord with this proposed revision.

The next revision is a rewrite of Section 161.12 to provide that the determination of fair market value is to be considered the minimum acceptable valuation for negotiation purposes, not to be confused with and considered as the maximum acceptable valuation. A new sentence is added requiring that the landowners be advised of the valuation information prior to the commencement of negotiations which goes without

saying that that is also prior to the obtaining of consents by the prospective grantee of the easement.

Numerous written comments were received concerning this proposed revision, including comments from the General Counsel for the All Indian Pueblo Council and from the Department of Transportation of the State of Washington. It was not the intention of this revision to alter the existing practices by which fair market value is determined. The change in procedure speaks to the use of the fair market value information after determination.

The final revision concerns a minor change in wording in the first sentence of Section 161.20 in which the words "shall be terminable" are changed to "may be terminated". The thinking of the sub-task force members is that this is a grammatical clarification and does not increase or decrease the discretionary authority contained within the section.

The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

The amended sections of 25 CFR Part 161 are as follows:

PART 161—RIGHTS-OF-WAY OVER INDIAN LANDS

1. In § 161.5, the first sentence is revised to read as follows:

§ 161.5 Application for right-of-way.

Written application identifying the specific use requested shall be filed in duplicate with the Secretary. * * *

2. Section 161.12 is revised to read as follows:

§ 161.12 Consideration for right-of-way grants.

Except when waived in writing by the landowners or their representatives as defined in § 161.3 and approved by the Secretary, the consideration for any right-of-way granted or renewed under this Part 161 shall be not less than but not limited to the fair market value of the rights granted, plus severance damages, if any, to the remaining estate. The Secretary shall obtain and advise the landowners of the appraisal information to assist them (the landowner or landowners) in negotiations for a right-of-way or renewal.

3. In § 161.20, the introductory text is revised to read as follows:

§ 161.20 Termination of right-of-way grants.

All rights-of-way granted under the regulations in this part may be terminated in whole or in part upon 30 days written notice from the Secretary mailed to the grantee at its latest address furnished in accordance with § 161.5(j) for any of the following causes:

* * * * *

Dated: June 27, 1980.

Ralph R. Reesor,
Acting Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-20353 Filed 7-7-80; 8:45 am]

BILLING CODE 4310-02-M

43 CFR Public Land Order 5731

[F-031036]

Alaska, Partial Revocation of Public Land Order 693 and Classification of Lands for Conveyance to Cook Inlet Region, Inc.

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This public land order partially revokes Public Land Order 693 of December 12, 1950, and classifies and considers as withdrawn certain lands for conveyance to Cook Inlet Region, Inc., under the Alaska Native Claims Settlement Act (ANCSA).

EFFECTIVE DATE: July 8, 1980.

FOR FURTHER INFORMATION CONTACT: Beau McClure 202-343-6511, or Bob Arnold, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

The lands in paragraph 1 of this order were withdrawn by Public Land Order (PLO) 693 on December 12, 1950, and reserved under the jurisdiction of the Department of the Air Force for military purposes. On June 14, 1971, the Department of the Air Force filed a notice of intention to relinquish a 361-acre portion of the Murphy Dome Air Force Station near Fairbanks, Alaska. On March 15, 1972, the lands were further withdrawn by PLO 5187 for study and review to determine the proper classification under Sec. 17(d)(1) of the Alaska Native Claims Settlement Act (ANCSA).

By virtue of the authority vested in the Secretary of the Interior, by Sec. 17(d)(1) of the ANCSA, 85 Stat. 688, 708, and pursuant to Sec. 204 of the Act of October 21, 1976, 90 Stat. 2751 (43 U.S.C. 1714), it is ordered as follows:

1. PLO 693 of December 12, 1950, is revoked as to the lands described below